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8 TRAFFICSCHOOL.COM, INC. and
DRIVERS ED DIRECT, LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

12 TRAFFICSCHOOL.COM, INC., a
13 California corporation; DRIVERS ED
14 DIRECT, LLC, a California limited
liability company.

15 | Plaintiffs.

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17 EDRIVER, INC., ONLINE GURU,
18 INC., FIND MY SPECIALIST, INC.,
and SERIOUSNET, INC., California
19 corporations; RAVI K. LAHOTI, RAJ
LAHOTI, individuals.

Defendants.

CASE NO. CV 06-7561 PA (CWx)

The Honorable Percy Anderson

SUPPLEMENTAL DECLARATION
OF JOSEPHINE A. BROSAS IN
SUPPORT OF REPLY IN SUPPORT
OF PLAINTIFFS' MOTION FOR
ATTORNEY'S FEES AND COSTS

Hearing:

Date: December 5, 2011

Time: 1:30 p.m.

Courtroom No. 15

[Filed concurrently with Reply Memorandum of Points and Authorities; Declaration of Mina I. Hamilton; Supplemental Joint Statement on Attorney's Fees; Supplemental Joint Statement on Costs; Evidentiary Objections; Reply to Defendants' Evidentiary Objections]

DECLARATION OF JOSEPHINE A. BROSAS

I, Josephine A. Brosas, being duly sworn, state as follows:

1. I am over 18 years of age, have personal knowledge of the matters asserted
 2 in this declaration, can attest to their accuracy, and am competent to testify as follows:

2. I am an attorney at law admitted to practice before this Court. My firm
 3 Lewis Brisbois Bisgaard & Smith LLP (“LBBS”) represents Plaintiffs
 4 TrafficSchool.com, Inc. and Drivers Ed Direct, LLC in this action.

3. This declaration is based upon my personal knowledge of the timekeeping
 4 and billing practices in this case and is also based upon my knowledge of the motions
 5 and briefs filed in this case.

4. I have reviewed the Excel spreadsheets submitted by Defendants as
 5 “Supplemental Joint Statement on Fees” (Docket Entry [D.E.] # 323-2). These
 6 spreadsheets appear to be based on the spreadsheets which I prepared based on the
 7 invoices generated in this matter. Defendants added their position for each disputed
 8 item as well as columns and entries for hours defendants believe should be awarded and
 9 reduced fees. These spreadsheets contain the following tabs: (1) Pleadings; (2)
 10 Discovery; (3) MSJ; (4) Pre-trial; (5) Trial through Post-Judgment; (6) Contempt; (7)
 11 Attorney’s Fees Motion; (8) Joint Status Report. At the bottom of each of the tabs for
 12 Pleadings, Discovery, MSJ, Pre-trial, Trial through Post-Judgment and Contempt is a
 13 summary of the “Total Hours Billed” and the corresponding “Total Amount Billed”,
 14 and the “Total Hours Written-Off” and the corresponding “Total Amount Written-Off”.
 15 Plaintiffs are only claiming in this motion the “Total Hours Billed”. For each tab, I
 16 compared the “Total Hours Billed” to entries in Table 3 attached to Plaintiffs’ Motion
 17 which summarizes the hours that Plaintiffs are claiming. I also reviewed pages 299
 18 and 349 referenced in Footnote 2 of Defendants’ Opposition and confirmed that the
 19 “write-offs” and “no charges” are not being claimed by Plaintiffs as part of the
 20 application for fees. Attached to the Reply as EXHIBIT A are true and correct copies

1 of summaries I prepared which illustrate that Plaintiffs are not claiming “write-offs”
2 and “no charges”.

3 5. Attached as Exhibit B to the Response to Defendants’ “Shorthand
4 Objections” are true and correct copies of certain entries from the Pleadings, Discovery
5 and Pre-Trial tabs of the Supplemental Joint Statement on Fees filed by Defendants
6 which Defendants have designated as “A.”

7 6. Attached as Exhibit C to the Response to Defendants’ “Shorthand
8 Objections” are true and correct copies of portions of Exhibit F to Plaintiffs’ Motion as
9 well as the Joint Statement on Costs. I prepared the summaries on the right hand side
10 of the tables which shows that Plaintiffs are claiming costs which were not initially
11 taxed by the Clerk.

12 7. Attached as Exhibit D to the Response to Defendants’ “Shorthand
13 Objections” are true and correct copies of certain entries from the Pleadings, Discovery
14 and Pre-Trial tabs of the Supplemental Joint Statement on Fees filed by Defendants
15 which Defendants have designated as “D.”

16 8. Attached as Exhibit E to the Response to Defendants’ “Shorthand
17 Objections” are true and correct copies of certain entries from the Discovery, Pre-Trial
18 and MSJ tabs of the Supplemental Joint Statement on Fees filed by Defendants which
19 Defendants have designated as “E.”

20 9. Attached as Exhibit F to the Response to Defendants’ “Shorthand
21 Objections” is a true and correct copy of an entry from the Trial through Post-Judgment
22 tab of the Supplemental Joint Statement on Fees filed by Defendants which Defendants
23 have designated as “H.”

24 10. Attached as Exhibit G to the Response to Defendants’ “Shorthand
25 Objections” are true and correct copies of certain entries from the Discovery, MSJ and
26 Pre-Trial tabs of the Supplemental Joint Statement on Fees filed by Defendants which
27 Defendants have designated as “L.”

1 11. Attached as Exhibit H to the Response to Defendants' "Shorthand
2 Objections" are true and correct copies of certain entries from the Pleadings, Discovery,
3 Pre-Trial and MSJ tabs of the Supplemental Joint Statement on Fees filed by
4 Defendants which Defendants have designated as "NL."

5 12. Attached as Exhibit I to the Response to Defendants' "Shorthand
6 Objections" are true and correct copies of certain entries from the Pleadings and Pre-
7 Trial tabs of the Supplemental Joint Statement on Fees filed by Defendants which
8 Defendants have designated as "NP."

9 13. Attached as Exhibit J to the Response to Defendants' "Shorthand
10 Objections" are true and correct copies of certain entries from the Pleadings, Discovery,
11 MSJ, Pre-Trial and Trial through Post-Judgment tabs of the Supplemental Joint
12 Statement on Fees filed by Defendants which Defendants have designated as "R."

13 14. Attached as Exhibit K to the Response to Defendants' "Shorthand
14 Objections" are true and correct copies of certain entries from the Pleadings, Discovery,
15 MSJ, Pre-Trial and Trial through Post-Judgment tabs of the Supplemental Joint
16 Statement on Fees filed by Defendants which Defendants have designated as "V."

17 15. Attached as Exhibit L to the Response to Defendants' "Shorthand
18 Objections" are true and correct copies of certain entries from the Pleadings and
19 Discovery tabs of the Supplemental Joint Statement on Fees filed by Defendants which
20 Defendants have designated as "no charge."

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1 16. Attached as Exhibit M to the Reply is a true and correct copy of the
2 Introduction page of the AIPLA Report of the Economic Survey for 2009, which states
3 in the first paragraph that the AIPLA reports are only “conducted every other year by
4 AIPLA”. This means that there is no AIPLA Report of the Economic Survey for 2008
5 which would have contained the prevailing market rate data for 2007.

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7 I declare under the penalty of perjury that the foregoing is true and correct.
8 Executed at Los Angeles, California, on the 21st day of November, 2011.

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/s/Josephine Brosas

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Josephine A. Brosas

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EXHIBIT "M"

INTRODUCTION

The AIPLA Economic Survey, developed and directed by the Law Practice Management Committee of the American Intellectual Property Law Association (AIPLA), reports the annual incomes and related professional and demographic characteristics of intellectual property (IP) law attorneys and associated patent agents. Conducted every other year by AIPLA, this survey also examines the economic aspects of intellectual property law practice, including individual billing rates and typical charges for representative IP law services. All AIPLA members were invited to participate.

The Law Practice Management Committee took an active role in reviewing the Economic Survey with a goal of improving the usefulness and value of the data that are collected and analyzed.

DATA COLLECTION

An e-mail invitation to participate was sent to 15,395 AIPLA members and non-members. The e-mail included a direct link to the Web-based questionnaire. The initial e-mail was followed up by several e-mail reminders. An additional 663 questionnaires were mailed to members with no e-mail address.

A total of 3,221 individuals responded by completing some or all of the questionnaire, yielding a 20.9% response rate. This was slightly higher than the 2007 response rate. In 2005, there were only 1,558 responses when the survey was e-mailed as an Excel spreadsheet and also sent via US mail in a hard copy version.

Only 230 firm representatives completed the firm questionnaire, compared with the 309 participants in 2007.

All data submitted by respondents were reviewed and evaluated for reasonableness and consistency; data anomalies and outliers were analyzed and corrected or deleted.

In many cases, respondents did not answer every question, so the total counts for each table may vary.

CHANGES TO THE SURVEY

There were only a few changes to the Individual Survey questionnaire compared with 2007. The question on how time is allocated to different types of work was expanded to encompass a broader range of options. Questions were added to the section covering Corporate Practitioners to measure company and IP budget size and the allocation of the corporate IP budget. Another question addressed the technology focus of the company. Respondents were given four choices and two additional ones were filtered from "other" written in comments. Included in "other" were technology areas such as aerospace, energy, metallurgy, materials, manufacturing and process, electro-mechanical, and chemical/mechanical.

In the Statistical Appendix of the Report, tables for full-time staff, number of patent applications prepared and filed, and time training associates were expanded to show cross tabulations based on location, IP technical specialization, and number of IP lawyers in the firm.

Detailed tables for Patent Agents are included in the Statistical Appendix for the first time. There are separate sections for Agents at private firms and Agents in corporate IP departments. The tables cover numerous areas such as income, billable hours, hourly rates as well as legal services billed.